

Court of Appeals, State of Michigan

ORDER

Jeffrey Herbert Kobe v Oakland Circuit Judge

Docket No. 281629

LC No. 1993-126119-FC

William B. Murphy
Presiding Judge

Kathleen Jansen

Donald S. Owens
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED for lack of merit in the grounds presented. This Court neither violated the law nor conspired to violate plaintiff's civil rights when it did not accept his pleading as a complaint for a writ of mandamus since it is not bound by the title that is placed upon a pleading. *Derbeck v Ward*, 178 Mich App 38, 41; 443 NW2d 812 (1989). By looking behind the pleading's title, the purported complaint for a writ of mandamus is actually a complaint for a writ of superintending control since it is directed against a lower court, which is comprised of its judges. MCR 3.302(C). Thus, there is no question that this Court lacked jurisdiction over the complaint for a writ of superintending control since plaintiff may appeal the October 30, 2007 order denying his motion for relief from judgment, which was issued by a judge of the Oakland Circuit Court. MCR 3.302(D)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 10 2008

Date

Sandra Schultz Mengel

Chief Clerk